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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/518,837	03/03/2000	Frank D. Tuttle	800470	9750
23372	7590	03/09/2004	EXAMINER	
TAYLOR RUSSELL & RUSSELL, P.C. 4807 SPICEWOOD SPRINGS ROAD BUILDING ONE, SUITE 1200 AUSTIN, TX 78759			POINVIL, FRANTZY	
		ART UNIT	PAPER NUMBER	
			3628	

DATE MAILED: 03/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/518,837	TUTTLE, FRANK D.
	Examiner Frantzy Poinvil	Art Unit 3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 01 January 1942.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-42 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some *
 - c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-42 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Davidson US Patent No. 5,699,527 in view of CompliancePro, discussed by Phil Bret as found in the prior Office action.

Applicant's representative argues that Davidson fails to disclose a system or method employed to audit loan compliance.

The Examiner disagrees because Davidson clearly teaches "The person responsible for marketing, the person responsible for auditing and/or the person responsible for legal, at step 60, reviews the file to ensure that any changes in lending institution information or regulation is complied with". Applicant is directed to column 7, line 56 to column 8, line 42 of Davidson.

As per the CompliancePro software, applicant argues that CompliancePro does not notify a loan audit request user of a determined loan audit compliance result based on a company's rules and federal and state regulations.

In response, the Examiner disagrees because it is stated from the article that "the software itself can be broken into two basic groups: operational or administrative, software that helps a financial institution stay abreast of compliance requirements and application software that

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actually performs compliance calculations such as encoding or the like" (see page 1). It is also stated CompliancePro's results are based on federal and state compliance requirements. See top of page 3 of the article. The article further recites, "some of those tasks, once completed by hand, now must be done via software to comply with federal regulations, particularly for financial institutions..." (See page 4 of the article).

Applicant also argues there is no disclosure of customizing compliance rules.

In response, it is stated that the program lets a bank handle virtually all its compliance reports. "Each institution can tailor the product to match its own business strategy" (see page 3 of the article).

Applicant's representative then argues there is no disclosure in the cited reference of applicable licenses with a loan originator.

In response, the cited reference does not explicitly indicated providing applicable licenses. The Examiner notes that it is well known in the banking and real estate industry for realtors, appraisers and loan originators and brokers to be licensed. Inputting these entities' licenses in the computer system would have been obvious to one of ordinary skill in the art in order to assure which entity in a lending institution is handling a specific loan or a specific task related to a loan process.

Applicant then argues there is no disclosure in the cited reference that would allow a user to enter a type of loan and related variables and retrieve applicable stored compliance rules and regulations against loan data.

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In response, the Examiner respectfully disagrees. In CompliancePro, it is stated that the software compliance with rules and regulations in accordance with those provided in the Federal Guide regarding loans to consumers. See page 2 of the article. It is also well known that there are a plurality of different types of loans available to consumers. Applying compliance rules and regulations for a type of loan would have been obvious to one of ordinary skill in the art at the time the invention was made in the combination of Davidson and CompliancePro in order to follow federal or state mandatory compliances for auditing purposes.

Applicant then argues that there is no disclosure in the CompliancePro reference of identifying an entity processing a type of loan having a type of error or auditing rule, since the cited reference does not disclose automated auditing of loan data with regulatory compliance requirements, and does not disclose auditing rules.

The Examiner disagrees with applicant's assertion because the software noted in the article is a software for determining compliance of loan data. CompliancePro analyzes errors in loan application. CompliancePro is also used for auditing of loan data. See page 2 of the article. Applicant is also directed to page 5 of the article where it is also disclosed another software, namely "QuestSoft" which may be used for determining compliance of loan data. It would have been obvious to one of ordinary skill in the art at the time of the invention to note in the combination of Davidson and the softwares in the Phil Bret article, that the name of the person responsible for performing the auditing would have been identified for review purposes. It is also noted that compliance reports may be transferred from one department to another department within an organization. See page 3 of the article. Thus, the name of the person

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identifying an entity processing a type of error or auditing rule would have made available to the recipient.

In CompliancePro or QuestSoft as described in the article by Phil Bret, a user may interactively build loan compliance rules based on their company or bank's needs. See page 2 of the article. These rules would have been saved or stored in their computers so as to be used when reviewing or auditing a particular loan responsive to a request to perform an audit. See the article and the teachings of Davidson where it is stated that loan data are checked or audited by a human being or software. Notifying the loan audit request user of the determined loan audit compliance result is the motive for performing the auditing of a type of loan. Applicant is also directed to the top of page 3 describing obtaining compliance reports and page 4 where it is stated using compliance softwares to comply with federal regulations for rigorous reporting requirements. The reporting data would have been the result of the comparing of compliance rules with loan data.

Users may use the CompliancePro for allowing a user to build loan compliance rules using geographic boundaries. See bottom of page 4 of the reference.

Applicant also states there is no teaching or suggestion in the Davidson and CompliancePro references for electronically transferring loan data from a user interface embodied in a computer processor to a loan audit server computer over a communications network.

In response, the CompliancePro software may be used in a network environment.

Davidson teaches transferring loan data from one computer to another computer. Having the loan data and the CompliancePro software in different computer systems in a different network of computers would have been obvious to one of ordinary skill in the art whereby a group of computers belongs to a different companies such as bank or loan officers and another group of computers belongs to a set of auditors for processing loan auditing functions, thereby having different group of computers performing specific functions in banking system. Transferring these loan data to the loan auditors computers would have been obvious to one of ordinary skill in the art at the time the invention was made for providing a faster loan auditing result.

2. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantzy Poinvil whose telephone number is (703) 305-9779. The examiner can normally be reached on Monday-Thursday 7:00AM-5:30PM.

The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9326 for regular communications and (703) 872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

FP

FPOINVIL
4/13/2008